

TOWN BOARD

The Town Board, Town of Highlands, held a special meeting (To vote on the Water District #2 Project) on Tuesday, December 27, 2011 at Town Hall, 254 Main St, Highland Falls, NY at 7:30pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Laurie R. Tautel	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Magryta opened the special meeting at 7:35pm.

Supervisor Magryta said he believes that the Board has had enough time and information to make a decision on the water project.

PUBLIC COMMENT

Annie Scott said she hopes that great consideration was given to this project.

WATER PROJECT

Supervisor Magryta reported that questions from last Thursday's meeting have been answered. The Supervisor explained that the cost of the easements will be shared equally between the Town and the Settlement and the amended project will cost the Town \$200,000 less.

Council Member Livsey commended the Board for all their points. Mr. Livsey said a lot of money is being saved with the amended plan and he is glad the Board waited.

Council Member Tautel is please that the engineer re-worked the pipeline and she encourages the new Town Board to continue working with the engineer.

Council Member Gokey said this is a good project.

Council Member Edsall said this is a good project and he looks forward to it starting.

Supervisor Magryta said this is an important project for the community. The Supervisor said this decision will affect property owners for a long time and the Board worked very hard to try and be fair to everyone.

TOWN BOARD

DECEMBER 27, 2011

Council Member Tautel made a motion seconded by Council Member Livsey to adopt the resolution of SEQR determination for the Town of Highlands Water District #2 distribution system extension #1 and increase of maximum expenditure pursuant to Article 12-A of the Town Law.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays

Council Member Tautel made a motion seconded by Council Member Gokey to adopt the Public Interest Order of the Town Board in the matter of the Town of Highlands Water District #2 distribution system extension #1 and increase of maximum expenditure pursuant to Article 12-A of the Town Law.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays

Supervisor Magryta thanked the Board for their diligent work. The Supervisor stated this is an excellent decision for the community.

Ms. Scott informed the Board that the savings for the overall project is \$400,000.

ADJOURN

Council Member Tautel made a motion seconded by Council Member Livsey to adjourn meeting. Meeting adjourned at 8:00pm.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays

RESOLUTION

OF

DECEMBER 27, 2011

RESOLUTION OF SEQR DETERMINATION
TOWN OF HIGHLANDS WATER DISTRICT #2
DISTRIBUTION SYSTEM EXTENSION #1
AND INCREASE OF MAXIMUM EXPENDITURE
PURSUANT TO ARTICLE 12-A OF THE TOWN LAW

Council Member **Tautel** presented the following resolution which was seconded by Council Member **Livsey**.

WHEREAS, Town of Highlands Water District #2 was established in August, 2000, and was subject to a maximum expenditure of \$3,700,000 by order of the Department of Audit and Control of the New York State Comptroller's Office; and

WHEREAS, the initial work done in Water District #2 did not fully build out the system and the proposed infrastructure; and

WHEREAS, a map, plan and report dated June 13, 2011 has been duly prepared according to law by J.R. Folchetti & Associates, L.L.C., in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Highlands relating to the new facilities to be placed within the existing district; and

WHEREAS, said map, plan and report showing the facilities involved together with the boundaries of the District has been filed in the office of the Town Clerk of said Town, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the Town Board of the Town of Highlands has caused a full Environmental Assessment Form (the "EAF") to be prepared for the proposed Water District #2 distribution system extension and increase of maximum expenditure pursuant to Article 12-A of the Town Law (the "Action"); and

WHEREAS, the Town Board determined to conduct a coordinated review of the Action and wherein a notice of intent to declare lead agency was circulated on or about June 15, 2011; and

WHEREAS, the Town Board declared itself lead agency on July 25, 2011; and

WHEREAS, the Town Board of the Town of Highlands adopted a order on the 28th day of November, 2011 ordering a public hearing to be held on the 12th day of December, 2011 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on the Action; and

WHEREAS, the Town Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board does determine that said Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
2. The Town Board hereby authorizes the Supervisor to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mervin R. Livsey, Jr., Councilman voting **Aye**

Laurie R. Tautel, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William W. Edsall, Councilman voting **Aye**

Edward Magryta, Supervisor voting **Aye**

The resolution was thereupon declared duly adopted.

The foregoing is a true and complete copy of a resolution duly made, seconded and adopted at a special meeting of the Town Board, Town of Highlands, on December 27, 2011.

June Patterson, Town Clerk

PUBLIC INTEREST ORDER OF TOWN BOARD
IN THE MATTER OF THE TOWN OF HIGHLANDS
WATER DISTRICT #2 DISTRIBUTION SYSTEM EXTENSION #1
AND INCREASE OF MAXIMUM EXPENDITURE
PURSUANT TO ARTICLE 12-A OF THE TOWN LAW
DECEMBER 27, 2011

Council Member **Tautel** moved for the adoption of the following Order which was seconded by Council **Gokey**.

WHEREAS, Town of Highlands Water District #2 was established in August, 2000, and was subject to a maximum expenditure of \$3,700,000 by order of the Department of Audit and Control of the New York State Comptroller's Office; and

WHEREAS, the initial work done in Water District #2 did not fully build out the system and the proposed infrastructure; and

WHEREAS, in accordance with Section 209-h of the Town Law, a map, plan and report dated June 13, 2011, as amended, has been duly prepared according to law by J.R. Folchetti & Associates, L.L.C., in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Highlands relating to the new facilities to be placed within the existing district; and

WHEREAS, the distribution system improvements and new facilities would service residents who live between the existing system terminus on Montgomery Road; Drew Road, Oakwood Drive, Scotts Circle, St. Mark's Place and Firefighter's Memorial Drive. In total, approximately 4,600 linear feet of water main would be installed in the streets and back lots; and

WHEREAS, said map, plan and report showing the facilities involved together with the boundaries of the District has been filed in the office of the Town Clerk of said Town, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the boundaries of Water District No. 2 were established with the "Final Order Establishing District" dated August 10, 2000; and

WHEREAS, it has heretofore been determined in accordance with the provisions of Town Law Section 209-e that all expenses of Water District No. 2, shall be a charge against the entire area of the district; and

WHEREAS, \$2,389,432.00 is the maximum amount proposed to be expended for the construction of the distribution system extension improvements as stated in the map, plan and report with the Town of Highlands construction share being approximately \$1,194,750 to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the Town; with the balance of the project cost coming from a private contributor; and

WHEREAS, the cost of the distribution system extension improvements to a typical property owner will be an estimated \$926.00 if financed over 20 years and \$873.00 if financed over 30 years, which figures include approximately \$500 in water usage for connected parcels, using 2011 rates; and

WHEREAS, Water District #2 is a Benefit District, with current annual administrative and debt service expenses of approximately \$79,863.00; and

WHEREAS, the total benefit points in the District would increase from the current count of 3,538 to a new count of approximately 3,742 upon the conclusion of the proposed construction; and

WHEREAS, the Town Board of the Town of Highlands has caused a full Environmental Assessment Form (the "EAF") to be prepared for the proposed Water District #2 distribution system extension and increase of maximum expenditure pursuant to Article 12-A of the Town Law (the "Action"); and

WHEREAS, the Town Board determined to conduct a coordinated review of the Action and wherein a notice of intent to declare lead agency was circulated on or about June 15, 2011; and

WHEREAS, the Town Board declared itself lead agency on July 25, 2011; and

WHEREAS, the Town Board of the Town of Highlands adopted a order on the 28th day of November, 2011 ordering a public hearing to be held on the 12th day of December, 2011 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on the Action; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, following the public hearing, the Town Board made minor modifications to the route of the project in order to reduce the required linear feet of pipe, which had the intended effect of lowering the overall cost of the project, and environmental impact while still delivering water to the same amount of parcels as initially intended; and

WHEREAS, the Town Board determined that said action will not have an adverse environmental impact and, accordingly, issued a negative declaration in compliance with the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT ORDERED, by the Town of Highlands, Orange County, New York as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase the maximum expenditure and improve the facilities of Water District No. 2, in the manner described in the preambles hereof, at a maximum estimated cost of \$2,389,432.00.

Section 2. In accordance with Section 209-h of the Town Law this Order of the Town is subject to a permissive referendum.

Section 3. In accordance with Section 209-h of the Town Law this Order of the Town if required, shall be submitted to the Office of the Comptroller of New York State for review thereof.

The question of the adoption of the foregoing Order was duly put to a vote on roll call which resulted as follows:

Mervin R. Livsey, Jr., Councilman voting **Aye**

Laurie R. Tautel, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William W. Edsall, Councilman voting **Aye**

Edward Magryta, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a special meeting by the Town Board, Town of Highlands, on December 27, 2011.

June Patterson, Town Clerk